

February 2, 2006

Writer's Direct Contact  
202/887-1510  
CTritt@mofo.com**EX PARTE NOTICE*****Electronic Filing***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Room TW-A325  
Washington, DC 20554

Re: Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92

Dear Ms. Dortch:

On February 1, 2006, the undersigned and Frank W. Krogh, representing T-Mobile USA, Inc. ("T-Mobile"), and (by telephone) Eric Hagerson, Senior Engineer for T-Mobile, met with Paul Murray, Walter Strack, David Furth, Peter Trachtenberg and (by telephone) Nese Guendelsberger of the Wireless Telecommunications Bureau to discuss the "phantom traffic" issues raised in the above-referenced proceeding. The views expressed by the T-Mobile representatives during the meeting tracked the positions set forth in T-Mobile's filings in this proceeding, including the *ex parte* letter from Thomas J. Sugrue, Vice President, Government Affairs, for T-Mobile, to you, dated December 22, 2005. The attached presentation was distributed at the meeting.

In response to the staff's questions, the T-Mobile participants explained that, even leaving aside the untimeliness of the requests of Xspedius Communications, LLC and Globalcom, Inc. to modify the *T-Mobile Order*,<sup>1</sup> there is no policy justification for expanding the prospective relief granted by that order to cover additional categories of carriers.<sup>2</sup> The Commission found it necessary in the *T-Mobile Order* to provide incumbent local exchange carriers ("ILECs") a right to compel negotiation and arbitration with commercial mobile

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<sup>1</sup> *Developing a Unified Intercarrier Compensation Regime; T-Mobile et al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs*, 20 FCC Rcd 4855 (2005) ("*T-Mobile Order*").

<sup>2</sup> Any petition for reconsideration of a Commission order must be filed within 30 days of public notice of the order. 47 U.S.C. § 405(a).

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radio service (“CMRS”) providers “as CMRS providers may do today” *vis-à-vis* ILECs under Section 251(c) of the Communications Act (“the Act”).<sup>3</sup> Because neither a competitive local exchange carrier (“CLEC”) nor a CMRS provider has any Section 251(c) rights or obligations with regard to one another, and they are in general parity in terms of interconnection rights and obligations, there is no need for an additional layer of regulation, over and above their existing mutual obligations to enter into reciprocal compensation arrangements.<sup>4</sup>

In accordance with Section 1.1206 of the Commission’s rules, this letter and attachment are filed with your office for inclusion in the public record of the above referenced proceeding. If you have any questions regarding this *ex parte* notice, please contact the undersigned.

Sincerely,

/s/ Cheryl A. Tritt  
Cheryl A. Tritt  
Counsel for T-Mobile USA, Inc.

Attachment

cc: Paul Murray  
Walter Strack  
David Furth  
Peter Trachtenberg  
Nese Guendelsberger  
Eric Hagerson

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<sup>3</sup> *Id.* at 4864-65.

<sup>4</sup> CLECs are under a duty to enter into reciprocal compensation arrangements under Section 251(b)(5) of the Act, 47 U.S.C. § 251(b)(5), and CMRS providers are under a similar obligation under Section 20.11 of the Commission’s rules. 47 C.F.R. § 20.11.